

212. R. 7
23

[1]

England. - Parliament. - Bills. - II. George II.

Read

31 Jan 1732

Enacted

25 Geo II.

Public Acts, c. 58.

A BILL for Repairing the Road from Leeds, through Harwood, to the South-west Corner of the Inclosures of Harrogate; and from thence, in Two Branches (one through Ripley, over Burage-Green, and the other through Knaresbrough and Burroughbridge), to Ripon; and from thence to the First Rill of Water, or Water-course, on Hutton-Moor, in the County of York; and for Repairing the Sloughs on the said Moor.

Whereas the Highways or Roads leading from Leeds, in the County of York, through Harwood, to the South-west Corner of the Inclosures of Harrogate, near where the Road to Otley crosses the same; and from thence, in Two several Branches (one through Ripley, over Burage-Green, and the other through Knaresbrough and Burroughbridge, to Ripon); and, from thence to a Rivulet or Rill of Water on Hutton-Moor, in the County of York, and the Sloughs upon the said Moor, in the Highway or leading to Catterick in the said County; from the Narrowness thereof in several Places, and Nature of the Soil, and by reason of the many heavy Carriages frequently passing through the same, are become so very ruinous and bad, especially in Winter-Season, that Travellers cannot pass without great Danger; and the said cannot, by the ordinary Course provided by the Laws for repairing the Highways of this Kingdom, be effectually mended, and kept in good Repair, unless farther Provision be made for raising Money to be applied for that Purpose:

For Remedy whereof, and to the Intent that the said Roads may, with all convenient Speed, be sufficiently amended, and hereafter kept in good Repair, so that all Persons may travel through the same with Safety :

May it please Your M A J E S T Y,

That it may be Enacted; And be it Enacted, by the KING's most Excellent M A J E S T Y, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

Trustees from
Leeds, through
Ripley and Ri-
pon, to Hutton-
Moor.



shall be, and they are hereby nominated and appointed, Trustees for the surveying, ordering, amending, and keeping in Repair, the Roads aforesaid, leading from Leeds, through Harwood, to the South-west Corner of the Inclosures of Harwood, and from thence through Ripley and Ripon, to the First Watercourse, or Rill of Water, on Hutton-Moor aforesaid; and for repairing the Sloughs or Pools in the said Common between the said Water, or Rill, and the Highway or Road leading to Catterick aforesaid; and also for putting in Execution all other the Powers

and by this Act given, so far as the same relate to the said last-mentioned
roads: And that

Trustees from
Harrogate to Ri-
pon, through
Knaresbrough
and Burrough-
bridge.

shall be, and they are hereby nominated and appointed, Trustees for the survey-
ing, ordering, amending, and keeping in Repair, the said Road leading from
the said South-west Corner of the Inclosures of *Harrogate*, through *Knaresbrough*
and *Burroughbridge*, to *Ripon* aforesaid; and likewise for putting in Execution
other the Powers in and by this Act given, so far as the same relates to the
said last-mentioned Road: And the Trustees herein before named for repairing
the said Road from *Leeds*, through *Ripley* and *Ripon*, to the said Watercourse, or
the said Water, on *Hutton-Moor* aforesaid, and the Sloughs on the said Moor;
and the Trustees herein before named for repairing the said Road from the
South-west Corner of the Inclosures of *Harrogate* aforesaid, through *Knaresbrough*
and *Burroughbridge* to *Ripon*, aforesaid; within their several and respective Dis-
tricts before-mentioned, and the Survivor or Survivors, or any *Seven* or more
of them, or such Person or Persons as they, or any *Seven* or more of them,
within

May erect
Turnpikes and
Toll-houses on
the said Roads,
within their se-
parate Districts.

Tolls to be taken
on the Road be-
tween Leeds and
Harrogate.

within their respective Districts or Divisions, shall authorize and appoint, they
and may, and they are hereby authorized and impowered, within their respec-
tive Districts or Divisions, to erect and set up, or cause to be erected and set
up, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, cross, or on
the Side of, any Part of the said Road lying between the Town of Leeds, and
the said South-west Corner of the Inclosures of Harrogate aforesaid, and a Toll-
house or Toll-houses in or upon the same; and also to erect and set up, or cause
to be erected or set up, One or more Gate or Gates, Turnpike or Turnpikes
in, upon, cross, or on the Side of, any Part of the said Road lying between
the said South-west Corner of the said Inclosures of Harrogate aforesaid, and
Hutton-Moor aforesaid, by way of Ripley aforesaid, and a Toll-house or Toll-
houses in or upon the same; and also to erect and set up, or cause to be erected
and set up, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, cross,
or on the Side of, any Part of the said Road lying between the said South-west
Corner of the said Inclosures of Harrogate aforesaid, and Burroughbridge,
and a Toll-house or Toll-houses in or upon the same; and also to erect and set
up, or cause to be erected and set up, One or more Gate or Gates, Turnpike
or Turnpikes, in, upon, cross, or on the Side of, any Part of the said Road
lying between Burroughbridge and Ripon aforesaid, and a Toll-house or Toll-
houses in or upon the same; and to receive and take, before any Horse, Mare,
Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chair, Calash,
Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage whatsoever,
shall be permitted to pass through the said Roads respectively, the several
Tolls and Duties following; that is to say, In that Part of the Road between
Leeds and Harrogate aforesaid, for every Waggon Wain, Cart or other Carriage
carrying or laden with or Empty and going for or returning immediately after
having been so laden with Coal Cinders or Lime only Drawn by six Horses
Oxen or Beasts of Draught the Sum of One Shilling and Drawn by five Horses
Oxen or Beasts of Draught the Sum of Six pence and Drawn by four Horses
Oxen or Beasts of Draught the Sum of Four pence and by three Horses Oxen
or Beasts of Draught the Sum of Three pence and by two Horses or Beasts of
Draught the Sum of Two pence and by one Horse or Beast of Draught one penny
half penny and for every Horse Mare Gelding Mule or Ass laden going
or returning as aforesaid and not drawing one half penny and for every other
Waggon Wain Cart or other Carriage not so laden going or returning drawn
by six Horses Oxen or Beasts of Draught the Sum of four Shillings and
by five Horses Oxen or Beasts of Draught the Sum of One Shilling and
by four Horses Oxen or Beasts of Draught the Sum of One
Shilling & Three pence and Drawn by three Horses Oxen or Beasts of Draught
the Sum of One Shilling and Drawn by two Horses or Beasts of Draught
the Sum of Nine pence and by one Horse or Beast of Draught the Sum of
Three pence and for every other Horse Mare Gelding Mule or Ass not so laden
going or returning as aforesaid not drawing three half pence and for
every Drive of Oxen or neat Cattle the Sum of Six pence & so in propor-
tion for any greater or less Number and for every Drive of Calves
Swine Sheep or Lambs &c. the Sum of three pence and so in propor-
tion for any greater or less Number and for every Coach Chariot Landau
Chair Calash or Hearse Drawn by six or more Horses Mares Geldings
or Mules the Sum of One Shilling and Nine pence and Drawn by four Horses
Mares Geldings or Mules the Sum of One Shilling and three pence and
by two Horses Mares Geldings or Mules the Sum of Nine pence and for
every Chair or Chair Drawn by one Horse Mare Gelding or Mule the Sum

And in that Part of the said Road lying between Harrogate aforesaid and Hutton Tolls to be taken
 Moor by Way of Ripley, such and the same Tolls and Duties as are herein before on the Road be-
 directed to be taken in that Part of the Road which lies between Leeds and Hutton
 Harrogate aforesaid; and in that Part of the Road lying between Harrogate aforesaid and Hutton
 id, and Boroughbridge, by Knaresbrough: ~~such and the same Tolls and~~ such and the same Tolls and
 Duties as are herein before directed to be taken in that part of the Road which
 lies between Leeds and Harrogate aforesaid; and in that part of the Road
 lying between B. Bridge and Ripley aforesaid. For every Waggon Wain Cart or other
 Carriage carrying or laden with or Empty and going for or returning
 immediately after having been so laden with Coal Cinders or Limes only
 drawn by Six Horses Oxen or Beasts of Draught the Sum of nine pence and
 by five Horses Oxen or Beasts of Draught the Sum of three pence and drawn
 by four Horses Oxen or Beasts of Draught the Sum of two pence and by three
 Horses Oxen or Beasts of Draught the Sum of three halfpence and drawn
 by two or one Horse or Horses or Beast or Beasts of Draught the Sum of one
 penny and for every Horse Mare gelding Mule or Ass so lading going or
 returning and not drawing the Sum of one halfpenny and for every other
 and in that Part of the Road lying between Boroughbridge aforesaid and Ripley:
 a Waggon Wain Cart or Carriage not so laden going or returning and
 drawn by Six Horses Oxen or Beasts of Draught the Sum of one Shilling and
 five pence and drawn by five Horses Oxen or Beasts of Draught the Sum of ten
 pence and drawn by four Horses Oxen or Beasts of Draught the Sum of
 eight pence and drawn by three Horses Oxen or Beasts of Draught the
 Sum of six pence or by two Horses or Beasts of Draught the Sum of
 four pence and by one Horse or Beast of Draught the Sum of two pence
 and for every Horse Mare gelding Mule or Ass not laden going or
 returning as aforesaid nor drawing whether Laden or Unladen the Sum of
 one penny and for every Coach Landau Chariot Berlin Calash or Chaise
 drawn by Six Horses or Beasts of Draught the Sum of one Shilling and
 drawn by four Horses or Beasts of Draught the Sum of eight pence and
 drawn by two Horses or Beasts of Draught the Sum of four pence
 and for every Chaise Calash or Chair drawn by one Horse the Sum of three
 pence and for every Drive of Oxen or neat Cattle the Sum of three pence
 and so in proportion for any greater or less Number and for
 Drives of Calves Swine Sheep or Lambs the Sum of three
 pence and so in proportion for any greater or less Number.

And it is hereby further Enacted, That the several Tolls and Duties here- Vested in Trust.
 granted, and made payable, shall and may be demanded and taken in the
 manner and as a Toll or Duty; and the Money, so to be raised, as aforesaid,
 shall be and is hereby vested in the several Trustees hereby appointed, in their
 several districts and Divisions herein before mentioned respectively, and their re-
 spective successors; and the same, and every Part thereof, shall be paid, applied,
 disposed of, and employed, to and for the amending, and keeping in Repair, the
 roads aforesaid, and to and for the several Uses, Intents, and Purposes, and in
 such Manner, as is herein after-mentioned ordered, provided, and directed: And
 it shall and may be lawful to and for the said Trustees, or any
 B more

more of them, or any such Person or Persons as they, or any *five* or more of them, under their Hands and Seals, shall, from time to time, nominate and appoint, to demand and take the Tolls and Duties hereby granted, and made payable, to *levy* the same upon any Person or Persons who shall (after Demand thereof made), neglect or refuse to pay such Tolls and Duties, as aforesaid, by *Distress* of any Horse or Horses, or other Cattle or Goods, upon which such Tolls or Duties are by this Act imposed; or by *Distress* of any other of the Goods and Chattels of such Person or Persons who ought to pay the same; and to Detain and keep the same until such Tolls or Duties with the reasonable Charges of such Distraint and keeping shall be paid And it shall and may be Lawfull to and for such person or persons so Distrainted after the Space of five Days after such Distress made and taken such Tolls or Duty with the reasonable Charges of such Distraint and keeping not being then paid) to sell the Goods so Distrainted & Detained retaining the overplus (if any there be) upon Demand to the Owner thereof after such Tolls Duties and reasonable Charges for Distraint & keeping the same shall be Deducted and paid

Application of the several Tolls, Tolls on the Road between Leeds and Harrogate to be applied to the defraying

of the Expences of obtaining this Act, and for erecting Turnpikes and Toll-houses thereon, and for repairing the said Road.

Tolls on the Road between Harrogate and Hutton-Moor, by Way of Ripley, to be applied to the defraying a like

of the Expence of obtaining this Act, the Charges of erecting Turnpikes and Toll-houses on such Part of the said Road, and to the Repairs of the same Road, and amending the Sloughs on Hutton-Moor.

Surplus how applied.

And be it further Enacted, by the Authority aforesaid, That the Money arising from the Tolls and Duties hereby granted, and made payable, and which shall be raised and collected upon that Part of the said Road which lies between Leeds and Harrogate aforesaid, or that shall be borrowed on the Credit thereof shall, by the said Trustees, hereby nominated or appointed for that District Division of the said Road, and their Successors, or any *seven* or more of them, be applied and disposed of, in the first Place, for the paying and defraying *one fourth part* of the Expences and Charges attending the obtaining and passing this Act, and the Expences and Charges of erecting such Turnpike Turnpikes, Toll-house or Toll-houses, as the said Trustees shall think proper to set up on the said Roads; and afterwards, and subject thereto, shall be paid and applied for the amending, repairing, and keeping in Repair, that Part of the said Road which lieth between the said Town of Leeds and the South-west Corner of the said Inclosures of Harrogate aforesaid: And the Money arising from the Tolls and Duties which shall be collected and raised upon that Part of the said Road, which lieth between the said South-west Corner of the Inclosures of Harrogate and Hutton-Moor aforesaid by Way of Ripley, or that shall be borrowed on the Credit thereof, shall be disposed of and applied, in the first Place, for paying and defraying *one fourth part* of the Expences attending the obtaining and passing this Act, and the Expences and Charges of erecting such Turnpikes and Toll-houses as the said Trustees shall think proper to set up on the Division or District of the said Roads; and, subject thereto, for the repairing, keeping, in Repair that Part of the Road which lieth between the said South-west Corner of the Inclosures of Harrogate, and the first Watercourse or Rill of Water on Hutton-Moor aforesaid, by Way of Ripley, and amending the Sloughs on said Moor, until the Road lying within either of the said Districts or Divisions is sufficiently amended and repaired: And from and after such Time, as either the said Divisions or Districts of the said Roads shall be sufficiently amended, all Sums of Money borrowed on the Credit of the Tolls of such particular Division or District shall be paid off and discharged, then, and in such case, Surplus-money arising from the Tolls and Duties collected on such Division

District of the said Road, so sufficiently repaired as aforesaid, shall be paid, applied, and disposed of, towards repairing that District or Division of the said Roads which shall not happen to be so sufficiently repaired, in such manner as the said Trustees, or any *five* or more of them, shall direct or appoint, until the Whole shall be sufficiently repaired: And that the Money arising from the Tolls and Duties, which shall be collected and raised upon that Part of the said Roads which lieth between the said South-west Corner of the Inclosures of Harrogate and the Town of Burroughbridge aforesaid, or that shall be borrowed on the Credit thereof, shall, by the said Trustees, hereby nominated or appointed for that District or Division of the said Road, or their Successors, or any *seven* or more of them, be applied and disposed of, in the first Place, for defraying *fourth part* of the Expences of obtaining this Act, and the Charges of erecting such Turnpikes or Toll-houses as the said Trustees shall cause to be erected on that Part or Division of the said Road; and, subject thereto, for the amending, repairing, and keeping in Repair, the said last-mentioned Part of the said Roads: And the Money arising from the Tolls and Duties collected and raised in that Part of the said Road which lieth between Burroughbridge and Ripon aforesaid, or that shall be borrowed on the Credit thereof, shall be issued, paid, and applied, in the first Place, for the defraying the remaining *fourth part* of the Charges of obtaining this Act, and the Expences of erecting such Turnpikes or Toll-houses as shall be erected on that Part of the said Road; and, subject thereto, for the repairing, amending, and keeping in Repair, the said last-mentioned Part of the said Roads.

The Tolls raised between Harrogate and Burroughbridge to be applied to the defraying one other

of the Expence of obtaining this Act, and the Charges of erecting Turnpikes on that Part of the said Road, and repairing the same Road.

Between Burroughbridge and Ripon to be applied to the defraying the remaining

of the Expence of passing this Act, the Charges of erecting Turnpikes, and also of repairing this Part of the Road,

And whereas there are now Two distinct Roads from Harrogate aforesaid to Knaresbrough aforesaid, the one leading through Bilton Lane to the High-Bridge over the River Nid, and the other over Belman Lawn to the Low-Bridge over the same River; **Be it further Enacted**, by the Authority aforesaid, That the Trustees for that District or Division of the Roads which lies between Harrogate and Ripon, through Knaresbrough and Burroughbridge aforesaid, or any *seven* or more of them, or such Person or Persons as they, or any *seven* or more of them, shall authorize or appoint, shall and may, and they are hereby authorized and empowered to erect and set up, or cause to be erected and set up, a Turnpike or Turnpikes, Toll-gate or Gates, on either or each of the said Bridges, or on any Part of either of the said Roads; and that the said Trustees, or any *five* or more of them, may issue, pay, and apply, such Part of the Money arising from the Tolls and Duties which shall be raised and collected upon that Part of the said Roads which lies between Harrogate and Burroughbridge aforesaid, or which shall be borrowed on the Credit of such Tolls or Duties, in or towards the repairing, amending, and keeping in Repair, as well the said Road over Belman Lawn and the Low-Bridge aforesaid, as the Road through Bilton Lane over the High-Bridge aforesaid, as to the said Trustees, or any *five* or more of them, at any General Meeting, shall seem meet; any thing herein contained to the contrary notwithstanding.

Provided always, and it is hereby Enacted and Declared, by the Authority aforesaid, That the Trustees and Commissioners appointed and to be appointed, in or by virtue of an Act made in the Sixteenth Year of his present Majesty, intituled, *An Act for repairing the High Road from Boroughbridge in the County of York, to Catherick in the same County; and from thence, to Piersbridge on the River Tees*; shall and may survey, order, amend, repair, and keep in Repair, the Road or Highway lying between Burroughbridge aforesaid and Kirkby-Hill-Moor, in the said County of York, and put in Execution all and every the Powers in and by the said Act given, so far as the same relates to the said Road between Burroughbridge and Kirkby-Hill-Moor aforesaid; and that the same shall not be liable to the Controul or Orders of the Commissioners or Trustees, in or by virtue of this Act appointed

*Henry St of Harrogate
Lying between
Burroughbridge & Ripon*

appointed or to be appointed, or any of them; any thing herein contained to the contrary in any-wise notwithstanding.

Persons permit-
ting, or going
through private
Grounds, to avoid
the Tolls

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying, any Lands, near to any Turnpike to be erected in pursuance of this Act, shall knowingly or wittingly permit or suffer any Person or Persons to pass through any Gate, Passage, Inclosure, or Way, with any Coach, Chariot, Landau, Berlin, Calash, Chaise, Chaise Hearse, Litter, Waggon, Wain, Cart, Carriage, or riding, leading, or driving any Horse, Ass, Mule, or any Sort of Cattle, whereby the Payment of any the Tolls or Duties by this Act laid shall or may be avoided, every Person offending, and the Person or Persons riding in or on, leading, driving, or owning, such Coach, Chariot, Landau, Berlin, Chaise, Calash, Waggon, Wain, Carriage, or Cattle, or owning, riding, or driving, such Horse, Mule, or Ass, and being thereof convicted, upon Oath, before the said Trustees, or any five or more of them, who are hereby impowered to administer such Oath, or before any One or more Justice or Justices of the Peace for the Riding, Division, Liberty, Borough, Town Corporate, or Place, where such Offence shall be committed (which Oath the said Justice or Justices is and are hereby also impowered to administer), shall, for every such Offence respectively, *forfeit & pay* — to the Trustees authorized to put this Act in Execution for the District where the Offence shall be committed, or their Treasurer or Treasurers for the Time being,

Forfeit

Sum of Twenty Shillings which Sum in Case the same be not forthwith paid shall be levied by Distress and Sale of the Offenders Goods by Warrant under the Hand and Seal or Hands and Seals of the Trustees for such District or any five or more of them or of such Justice or Justices rendering the overplus to the Owner (if any be) on Demand after deducting the reasonable Charges of making such Distress and Sale to be settled by the said Trustees for such District or any five or more of them or by the said Justice or Justices.

This Act not to
prejudice the
Rights of others
to Tolls.

Provided always, and it is hereby Enacted and Declared, That nothing herein contained shall prejudice, defeat, or interrupt, the Right or Claim of any Person or Persons, Bodies Politick or Corporate, to any such Tolls or Duties have, by long Usage, been paid, and lawfully taken, upon any Part of the Roads.

or any other right

And whereas Travellers on Horseback sometimes use a private Way or Passage from the Town of Harwood, over Castle Park down to the River, Where and a Ford across the said River, called the Castle Ford; by means whereof, in case the same Way be continued, any Toll-bar or Turnpike to be erected, in pursuance of this Act, upon or near Harwood Bridge, may be evaded; Now it is hereby further Enacted, by the Authority aforesaid, That from and after the Passing of this Act, it shall not be lawful for any Person or Persons whatsoever to use the said Ford, or travel on the said Way from Harwood Town down to the said Ford, but that the same shall from thenceforth be shut up, discontinued and disused; otherwise and except as herein after is mentioned.

Provided, and it is hereby Enacted and Declared, That it shall and may be lawful for all and every as well the present as future Inhabitants of the Township of Harwood aforesaid, and the Occupiers of Lands within the same, having Occasion to pass to or from the Grounds situate in the said Township, in their respective Tenure or Occupation, and for their Servants, at all times hereafter

to pass and repass in, through, and upon, the said Way, for the Purposes aforesaid only, in such Manner as they have usually passed thereon; any thing herein contained to the contrary thereof in any-wise notwithstanding.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall, at any time during the Continuance of this Act, unload, or cause to be unladen, any Sort of Goods or Merchandize, or take off, or cause to be taken off, any Horse or Horses, or Beast or Beasts of Draught, from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, or Litter, or any Horse or Horses, Ox or Oxen, or other Beast or Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby imposed, or shall conceal or secrete any Goods, or other Things, chargeable with any of the Tolls aforesaid, or shall put or leave in any House or Place any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, or any other Carriage, Horse, Gelding, Mare, or any other Cattle, chargeable with or liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every Person so offending, and being thereof convicted, upon Oath, before the Trustees for the District wherein the Offence shall be committed, or any five or more of them, or before One or more Justice or Justices of the Peace for the Riding, Division, Borough, Town Corporate, or Place, where such Offence shall be committed (which Oath the said Trustees, or any five or more of them, or the said Justice or Justices, is and are hereby empowered and required to administer), shall forfeit & pay to the Trustees appointed or to be appointed to put this Act in Execution for the District where such offence shall be committed or to their Treasurers for the time being the Sum of twenty Shillings such shall be recovered and Levied as any other penalties or forfeitures are to be recovered and Levied by Virtue of this Act.

To prevent unloading Goods, or taking off Horses, &c.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any seven or more of them, within their respective Districts or Divisions, or such Person or Persons, as they, or any seven or more of them, respectively shall appoint or direct, as aforesaid, to erect, or cause to be erected, one or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, or cross any Lane or Way leading out of the same, to prevent Frauds and Abuses in eluding the Payment of the said Tolls or any of them, hereby imposed, and made payable, as aforesaid; and there to take and receive such Toll or Tolls, as is or are by virtue of this Act to be taken at any of the Turnpikes to be erected in pursuance thereof, so as the same do not extend to a double Charge, within the Tenor and true Meaning of this Act.

To erect Turnpikes on the Side of the Roads, &c.

Provided always, That no Toll or Duty shall be taken at any Toll-gate or Turnpike, to be erected by virtue of this Act, on the Side of any Part of the said Roads hereby directed to be repaired, for any Horse, Cattle, Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, which shall cross the said Roads only.

No Tolls to be taken at any Side-gate for crossing the Road only.

Provided also, That nothing in this Act contained shall authorize and empower the Commissioners and Trustees herein before nominated and appointed, and their Successors, or any of them, to repair or amend any of the Town-Streets of Leeds, Harwood, Ripley, Knaresbrough, Burroughbridge, and Ripon, or any of them.

No Part of the Tolls to be applied towards Paving of the Town-Streets of Leeds, Harwood, Ripley, Knaresbrough, Burroughbridge, or Ripon.

Tolls to be paid
but once in a
Day.

Provided always, That in case there shall be more than One Gate or Turnpike set up or erected upon, cross, or on the Side of that Part of the Road hereby directed to be repaired and amended, which lies between the Town of *Leeds* and *Harrogate* aforesaid, or that Part of the said Roads that lies between *Harrogate* and *Hutton-Moor*, through *Ripley* aforesaid, or that Part of the said Road which lies between *Harrogate* and *Burroughbridge* aforesaid, or that Part of the said Roads which lies between *Burroughbridge* aforesaid and *Ripon* aforesaid, no Person or Persons having paid the Toll or Duty granted, and made payable, by this Act, at the First Gate or Turnpike through which such Person or Persons shall pass, in any of the Divisions of the said Roads herein before-mentioned, and producing a Note or Ticket, that the said Toll or Duty was paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors, of the Tolls and Duties imposed by this Act, is and are hereby required to give *gratis*), shall be liable to pay any Toll or Duty at any other Gate or Gates, Turnpike or Turnpikes, erected in any other Part of the same Division of the said Roads, so long as such Person or Persons deliver the said Note or Ticket, to the Receiver or Receivers, Collector or Collectors, of the said Toll or Duty, at the last Gate or Turnpike erected on the same Division, on the same Day, or before Twelve o'Clock in the Night of that Day: And also, that no Person or Persons, having passed through any of the Toll-gates or Turnpikes erected in pursuance of this Act, with any Waggon, Cart, Wain, or Carriage, Horse, Mare, Gelding, Mule, or Ass, carrying or laden with, or empty and going for, or returning immediately after having been so laden with Coal, Cinders, or Lime only, and having paid the Tolls or Duties appointed to be by this Act taken, who shall return and pass through the same Turnpike, at which such Tolls and Duties were so paid, within the Space of *twenty four Hours* - next, after his or their Passage, aforesaid, through the said Turnpike or Gate, with the same Waggon, Wain, Cart, or Carriage, Horse, Mare, Gelding, Mule, or Ass, empty, or laden with Coal, Cinders, or Lime only, shall be liable or compelled during the said *twenty four Hours* to pay the said Toll or Duty more than once: And also, that no Person or Persons having passed through any of the said Toll-gates or Turnpikes, with any Waggon, Wain, Cart, Carriage, Horse, Mare, Gelding, Mule, Ass, or other Cattle, not so laden, carrying, going, or returning, or with any Coach, Landau, Berlin, Chariot, Calash, Hearse, Chaise, or Chair, and having paid the Tolls or Duties appointed by this Act to be taken, who shall return and pass through the same Turnpike at which such Tolls and Duties were so paid, on the same Day before Twelve o'Clock at Night, upon or with the same Coach, Landau, Berlin, Chariot, Calash, Chaise, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mule, or any other Cattle, shall be liable or compellable, on the same Day, to pay the said Toll or Duty more than once, at the same Gates or Turnpikes.

Penalty on Persons disposing or receiving Tickets to avoid Payment of Toll.

And, for preventing Frauds and Abuses in the said Tolls or Duties, **Be Enacted,** by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty by this Act granted, and made payable, and having such Note or Ticket, Notes or Tickets, signifying, denoting, or implying the Payment of such Toll or Duty, shall give, offer, or dispose of the same, to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person giving, disposing of, or offering, and the Person receiving such Note or Ticket, Notes or Tickets, being thereof convicted upon Oath, before the Justices, or any *five* - or more of them, or before any One or more Justice of the Peace for the Riding, Division, Liberty, Borough, Town Corporate, or Place, where such Offence or Offences shall be committed (who upon Oath the said Trustees, or any *five* or more of them or the said Justice or Justices is and are hereby empowered and required to administer) shall respectively forfeit and pay the Sum of *Twenty Shillings* to be Levied Recovered and Disposed of as any other penalty or forfeiture is hereby Directed to be Levied Recovered and Disposed of.

Provided always, and it is hereby further Enacted and Declared. No Toll on Election Days for the County. That, during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Chaises, Calashes, Chairs, or Litters, and Passengers on Horseback, shall pass and repass Toll-free, on the Day or Days on which there shall be an Election or Elections of a Knight or Knights of the Shire to serve in Parliament for the said County of York, or on the Day before and the Day after such Election; any thing herein contained to the contrary notwithstanding.

Provided always, and it is hereby Declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing Persons and Things exempted from Toll. through any of the Turnpikes to be erected by this Act, and carrying any Quantities of Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials for repairing the said Road, or for mending any of the Highways in the Parishes, Townships, or Hamlets, in which the said Roads directed by this Act to be repaired, or any Branch thereof, do respectively lie, or going for, or returning through, any of the said Turnpikes, with any Dung, Mould, Manure, or Compost, of any Nature or Kind whatsoever, to be employed in Husbandry, for Manuring or Improving of Land; nor shall any Toll or Duty be demanded or taken, by virtue of this Act, for any Carts, Wains, Waggon, or other Carriages, or Horses, or other Cattle, carrying any Hay, or Corn in the Straw only; or for any Ploughs, Harrows, or Implements of Husbandry; or for any Materials used or employed for the Building or Repairing of Houses or Outhouses in the said several Parishes, Townships, or Hamlets; or for any Cloth going to, or returning from the Fulling-mills; or Corn, Grift, or Meal, going to, or returning from, the Corn-mills; or any Horse, or other Cattle, or Carriages, going unladen, or returning unladen, having carried Cloth, Corn, or Grift, to the said Fulling or Corn-mills; nor shall any Toll or Duty be demanded or taken from any Person or Persons residing in any of the said Parishes, Townships, or Hamlets, in which the said Roads hereby directed to be repaired, or any Branch thereof, do lie, who shall pass through any of the same Turnpikes or Cross-gates, to or from Church, Chapel, or other Place of religious Worship, on *Sundays*; or who shall attend the Funeral of any Person or Persons who shall die, or be buried, in any of the said Parishes; or for any Horses, Geldings, Mares, or Cattle, going to, or returning from, Pasture or Water; or for any Chaise, or other Carriage, or Post-chaise carrying the Mail or Packet, or returning after carrying the same; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing, who are upon their March, or for Carts, Carriages, or Waggon, attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Carriages, travelling with Vagrants sent by Passes, or returning, after having been so employed.

And be it further Enacted, by the Authority aforesaid, That the said Trustees Trustees to appoint Officers. within their respective Divisions or Districts, or any seven or more of them, in their First or any succeeding Meeting, by any Writing under their Hands and Seals, shall and may elect, nominate, and appoint, One or more fit Person or Persons to be their Clerk or Clerks, and One or more fit Person or Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of Money in the Name of such Toll or Duty, as shall be due and payable by virtue of this Act; and shall take such Security for the due Execution of their respective

And may remove
them, and appoint
new ones, &c.

Collectors and
Surveyors to ac-
count upon Oath

Officers not
making Account
and Payment,

respective Offices, as the said Trustees respectively, or any *seven* or more of them, shall approve of; and that such Securities shall be lodged with the Clerk of the Peace for the said West Riding of the County of York: And also One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Roads, and to see that the same be repaired and amended; and that the Money by this Act raised and expended, be duly applied: And also shall and may from time to time remove such Clerk or Clerks, Treasurer or Treasurers, Collectors, Receivers, and Surveyors, or any of them, as the said Trustees, or any *seven* or more of them, within their respective Districts or Divisions, shall see Occasion; and shall and may appoint new ones in case of Death, or such Removal: And such Person or Persons as is or are by this Act liable to pay the said Tolls or Duties, is and are hereby required to pay the same, after the Rates aforesaid, to such Receiver or Receivers, Collector or Collectors, as shall from time to time be appointed for that Purpose: And the Person or Persons so appointed to collect and receive the said Tolls and Duties, and also such Surveyor and Surveyors so appointed, as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, within their respective Districts or Divisions, or any *five* or more of them, before the said respective Trustees, or any *five* or more of them, or before any One or more Justice or Justices of the Peace of the Riding, Division, Liberty, Town Corporate, Borough, or Place, within their several Jurisdiction (which Oath such Trustees, or any *two* or more of them, or such Justice or Justices of the Peace, is and are hereby impowered to administer), for which Oath no Fee or Reward shall be taken, and the same may be taken without any Stamp thereupon; and also shall, on the *first Wednesday* in every Month or oftener, if required, during the Continuance of this Act, give in a true exact, and perfect Account, in Writing, under their respective Hands, of all Moneys which he and they, and every or any of them respectively, shall to such time have received, paid, and disbursed, by virtue of this Act, by reason of their respective Offices: And in case any Money, so received, shall remain in their or any of their Hands, the same shall be paid to the said Trustees, within their respective Districts and Divisions, or any *five* or more of them, or to such Person or Persons as the same Trustees respectively, or any *seven* or more of them, shall, by any Writing or Writings under their Hands and Seals, authorize and impower to receive the same, or to the Treasurer or Treasurers for the Time being; and shall be disbursed and laid out in amending the said Highways and Roads, according to the true Intent and Meaning of this Act, and not otherwise: And in case the said Receiver or Receivers, Collector or Collectors, of the aforesaid Tolls or Duties, Surveyor or Surveyors, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the said Trustees respectively, or any *five* or more of them, as aforesaid; that then the said Justices of the Peace, at any Special or other Sessions, to be held for the said Division, Liberty, Town Corporate, Borough, or Place, within their respective Jurisdictions, shall make Inquiry and concerning such Default, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witnesses or Witnesses upon Oath, which Oath they are hereby impowered and required to administer without Fee or Reward; and if any such Person or Persons shall be thereof convicted by such Justices, the said Justices shall, upon such Conviction, *Commit the party or parties to the Common Goal of the County of York there to remain without Bail or Mainprize until he or they shall have made a true and perfect Account and payment as aforesaid or shall have compounded and agreed with such Trustees and paid such Composition to the said Treasurer or Treasurers for the time being which Composition the said Trustees respectively or any seven or more of them at any Meeting assembled within their respective Districts or Divisions are hereby authorized and impowered to make*

And the said Trustees respectively, or any ~~seven~~ or more of them, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance to the said Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, Clerk or Clerks, and other Officers, so appointed, as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their said respective Office or Offices, and to such other Person or Persons as have been or shall be assisting in and about procuring the said Highways or Roads to be amended and repaired, by advancing or laying out any Moneys, or otherwise relating thereunto, as to them shall seem good.

Trustees to allow
Officers Salaries.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, Waste or Common, of any Parish, Town, Village, or Hamlet, in the said County of York (except Stones from Quarries open, and in Working), proper and convenient for repairing and amending the said Road, without paying any thing for the same, but making such Satisfaction and Allowance to the Person or Persons, through whose Land or private Ways such Materials shall be led and carried, for the Damages done and occasioned thereby to the said Lands and private Ways, filling up and levelling the Holes and Pits made by getting such Gravel, Stones, or other Materials, as the said Trustees, or any ~~five~~ or more of them, shall judge and deem fit and reasonable: And where there are not sufficient Materials in such Rivers, Brooks, Wastes, and Commons, as aforesaid, it shall and may be lawful to and for such Surveyor and Surveyors, by Order of the said Trustees, or any ~~five~~ or more of them, to dig and gather the same out of the several Grounds of any Person or Persons (not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of inclosed Ground, planted, set apart, and used as a Plantation or Nursery for Trees), where any such Materials are, or may be found, and from time to time to carry away such, or so much thereof, as the said Surveyor or Surveyors, in their respective Places, shall judge necessary for repairing and amending the Road aforesaid, paying such Rates for the Damage done to the Owners or Occupiers of the Grounds, where and from whence the same shall be digged, gathered, or carried away, or through or over which the same shall be carried, as the said Trustees appointed or to be appointed to put this Act in Execution, within their several Districts and Divisions, or any ~~five~~ or more of them, shall judge reasonable: And in case of any Difference between such Owner or Occupier, and the said Trustees respectively, touching the Damages aforesaid, the Justices of the Peace, at their General Quarter-Sessions to be holden in and for the said Riding, Division, Liberty, Town Corporate, or Borough, within their respective Jurisdictions, shall and may adjudge, assess, and finally determine the same.

Surveyors may
dig Gravel, &c.
in waste Grounds,

Quarries except-
ed, without pay-
ing for the same;
making Satisfa-
ction for the Da-
mage, and level-
ling the Pits.

And where there
are not sufficient
Materials on, &c.
to be taken from
private Grounds.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person or Persons as he or they shall respectively appoint, from time to time to remove and prevent all Annoyances on any Part of the said Highways or Roads hereby intended to be repaired, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourse, Sinks, or Drains, running into the said Highways, the

May remove An-
noyances.

To turn and open
Watercourses,
to and scour Ditches,
and cut down
Trees, &c.

the Prejudice thereof; and to open, scour, and cleanse, widen, or make deeper, any Watercourse or Ditch adjoining to the said Roads; and to cut down, lop, or top, any Trees, Shrubs, or Bushes (Timber-trees excepted), growing in the said Highways, or in the Hedges or Banks adjoining thereto, and to take and carry away the same, in case the Owners and Occupiers shall neglect to cut down and carry away such Trees (excepting as before excepted), Shrubs, or Bushes, as aforesaid, or to remove such other Annoyances, for the Space of

Ten days — next after Notice in Writing given for that Purpose under the Hands of the said Trustees, or any *three* or more of them respectively, within their several Districts or Divisions; the Charges whereof, to be settled by the said Trustees, or any *five* or more of them, shall be reimbursed to the said Surveyor or Surveyors by such Owner or Occupier neglecting to cut down such Trees, Shrubs, or Bushes, or by the Person or Persons occasioning, neglecting or refusing to remove, such other Annoyances, as aforesaid: And in case such Owners or Occupiers, or such other Person or Persons, shall not, upon Demand, pay and reimburse to the said Surveyor or Surveyors such Charges, as aforesaid, it shall and may be lawful to and for such Surveyor or Surveyors, as aforesaid, by Warrant or Warrants under the Hand or Hands, and Seal or Seals, of One or more Justice or Justices of the Peace for the Riding, Division, Liberty, Town Corporate, Borough, or Place, where such Owners or Occupiers shall reside, to levy

the said Charges by Distress & Sale of the Goods of the person so offending as aforesaid returning the Overplus (if any be) after deducting the reasonable Charges of making such Distress and Sale to the person or persons whose Goods and Chattels shall be so distrained as aforesaid. And if after the removal of the said Annoyances any person or persons shall offend again in the like kind every such person or persons so offending and being thereof convicted upon Oath before one or more Justice or Justices of the Peace for the said Riding - Division Town Corporate Borough or place where such offence shall be committed shall for every such offence forfeit & pay unto the said Trustees of that District or Division or their Treasurers for the time being the Sum of 20^s to be levied in manner aforesaid.

To make Causeways, cut Drains, &c.

and widen the narrow Parts of the Road.

And make Ditches, &c.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as shall be appointed by Order of the said Trustees, within their respective Districts or Divisions, or any *five* or more of them, to make, or cause to be made, Causeways; and to cut and make Drains through any Grounds lying contiguous to the said Roads; and erect, and keep in Repair, Arches of Brick, Timber, or Stone, thereupon; and to divert and turn the said Roads and Highways over any Part of the Moors or Waste-grounds contiguous and adjoining thereto, or through which the said Roads do now pass; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto (not being a House, or other Buildings, Garden, Orchard, planted Walk, or Avenue to any House, or Plantation or Nursery for Trees); and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, within their said several Districts or Divisions respectively, or any *five* or more of them, shall adjudge necessary for the better amending, and keeping the Roads aforesaid in good Repair; and also to make, or cause to be made, a Road or Way through over, and along, the Grounds adjoining, on any narrow or ruinous Part or Part of the said Roads or Highways hereby intended to be repaired (not being a House, or other Building, Garden, Orchard, Yard, Park, or planted Walk, or Avenue

to a House, or Plantation or Nursery of Trees), to be made use of by Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the old, adjacent, narrow or ruinous Road is repairing, and until the same shall be convenient and safe for Passengers and Carriages to travel and pass along; giving such reasonable Satisfaction to the Owner or Occupier of such Ground so as to lay out or unto the said Roads, or through which any such Drains shall be cut, or through which any such Arch or Arches, Bridge or Bridges, shall be made, or through, or along which such occasional Road shall be made, for the Damages which the Owner or Occupier respectively shall thereby sustain, as shall be assessed and adjudged (in case any Differences shall happen between such Owner or Occupier and the said Trustees, touching such Damages) by the Justices of the Peace, at their General Quarter-Sessions of the Peace to be holden for the County, Division, Liberty, Town Corporate, or Borough, respectively, within the Jurisdiction whereof such Ground is laid into the said Roads, or through which any such Drain or Ditch shall be cut or made, or on which any such Arch, Bridge, Causeway, or occasional Road, shall be erected or made, shall lie: And if any Owners or Occupiers of any Watercourse, Ditch or Ditches, adjoining to the said Highways or Roads, shall neglect or refuse to cleanse or scour the Watercourse or Watercourses, and to make such Ditch or Ditches so deep, in such manner, as such Surveyor or Surveyors shall adjudge proper and convenient, after such Notice shall be given, for that Purpose, by such Surveyor or Surveyors to be appointed, or such Person or Persons as shall be appointed by the Justices of the Peace, or them, by virtue of this Act, to such Owners or Occupiers; it shall and lawfully be lawful to and for such Surveyor or Surveyors to set any Man or Men to cleanse and make the same; and by warrant from any two or more

Occupiers of Watercourses, &c. neglecting to cleanse the same,

Surveyors may set Men to cleanse them; and levy the Charge by

the said Trustees within their Districts or Divisions to Levy the Charge upon the persons Goods or Estates of the Owner or Owners or Occupier or Occupiers of such Watercourse Ditch or Ditches by Distress and Sale of his her or their Goods & Chattels rendering the overplus if any to the Owner or Occupier after all Charges paid

Provided always, That in case the ancient or former Way over any Moor, Waste-ground, or other Place, shall, by virtue or in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Parish, or Hamlet, wherein the old Road, which shall thereby be left or discontinued, shall lie, shall be obliged to repair such old Road, unless the said old Road lead to some other Village, Town, or Place, than the new Road doth.

If the Way over any Moor be turned, the Inhabitants not obliged to repair the old Road, unless it lead to some other Place than the new Road does.

And whereas it may happen, that some Persons, or Bodies Politick, Corporate, Collegiate, Feoffees in Trust, or others, are seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this present Act, may, by the said Trustees, be thought necessary or proper to be taken in and added to the said Road, either for extending, widening, enlarging, turning, altering, or amending the same, as aforesaid; and they may be willing to treat and agree to sell such Lands, Grounds, Tenements, and Hereditaments, for the Purposes aforesaid, but are incapable of selling, granting, or conveying the same, by reason of Infancy, or other Disability; Be it therefore Enacted, by the Authority aforesaid; That it shall and may be lawfully to and for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for or on behalf of any Infants, Feme Covert, or Cestuique Trusts, and for all and every Person and Persons whatsoever, who or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements,

Bodies Politick or Corporate, &c. empowered to agree with the Trustees for the Sale of Lands to be taken into the Road.

Tenements, or Hereditaments, to treat, contract, and agree, with the said Trustees, within their separate Districts and Divisions, or any *seven* or more of them, for Satisfaction to be made them respectively for such their Land, Ground, Tenements, and Hereditaments, or any Part thereof, or their Interest therein for the Purpose aforesaid; and to sell and convey the same, as Occasion shall be or require: And that all Contracts, Agreements, Sales, and Conveyances which shall be made, shall be valid to all Intents and Purposes; any Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof notwithstanding: And that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Corporate or Collegiate, Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons neglect-
ing to treat for
the Sale of such
Lands,

And it is hereby further Enacted, That if any such Owner, Proprietor, Occupier, Body Politick, Corporate, or Collegiate, or other Person or Persons interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice, to be given, or left in Writing, at the Dwelling-house or Place of Abode of such Person or Persons, or of the Head-Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken into, and added to, the said Roads, as aforesaid, or into which such Way or Path, or Road, shall be turned or altered, as aforesaid, shall, by the Space of *thirty days* - after such Notice given or left, as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees within their several Districts, or any *seven* or more of them, shall cause inquiry to be inquired into and ascertained by and upon the Oaths of a Jury of *twelve* indifferent Men of one, some, or all of the Parishes in which the said Roads lie (which Oath the said Trustees, or any *seven* or more of them, are hereby empowered to administer), what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons interested or concerned therein, shall or suffer or sustain for or by reason of the taking of any such Land, Ground, Tenements, or Hereditaments, into the said Roads; and what Recompence or Satisfaction such Owners, Occupiers, Proprietors, or other Person or Persons suffering thereby, shall respectively have by reason or on account thereof: for that Purpose, and in order thereto, the said Trustees, or any *seven* or more of them, are hereby empowered and required from time to time, as Occasion shall be or require, to summon and call before them all and every Person or Persons whatsoever, who shall be thought necessary or proper to be examined as Witnesses or Witnesses touching or concerning the Premises; and shall examine all such Witnesses, before the said Jury, upon Oath (which Oath the said Trustees, or any *seven* or more of them, are hereby empowered and required to administer); and they shall also order and cause the said Jury to view the Places in question, and to use all other lawful Ways and Means, as well as their own, as the said Jury's Information in the Premises, as they the said Trustees, or any *seven* or more of them, shall think fit: And after the said Inquiry shall have so inquired of, ascertained, and settled, such Damages and Recompence, they the said Trustees, or any *seven* or more of them, shall thereupon or adjudge, and determine, the Sum or Sums of Money so assessed, by the said Jury to be paid to the said Owners, Occupiers, or Proprietors, of the said Land, Ground, Tenements, and Hereditaments, or other Persons interested therein according to such the Verdict or Inquisition of the said Jury; which said Verdict, Inquisition, and Judgment, Order, or Determination so had and made, shall be final, and binding and conclusive, to all Intents and Purposes, against all Persons

Trustees may
summon a Jury
to assess the Re-
compence.

Verdict of the
Jury to be bind-
ing to all Parties.

Persons whatsoever claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Feme-Coverts, and Persons under any other Disabilities whatsoever, Bodies Politick, Corporate, and Collegiate, as well as all other Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any-way interested in such Land, Grounds, Tenements and Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of the same: And, for the summoning and returning such Jury or Juries, the said Trustees, within their respective Districts and Divisions, or any seven or more of them, are hereby empowered to issue out their Warrant or Warrants to the Sheriff of the said County of York, thereby commanding or requiring him to impanel, summon, and return, an indifferent Jury of twenty four Persons, to appear before the said Trustees, or any seven or more of them, at such Time and Place as in such Warrant shall be appointed; who is hereby required thereupon to impanel, summon, and return, such twenty four Persons accordingly; and, out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to, or upon such Summons, the said Trustees, or any seven or more of them, shall swear, or cause to be sworn, Twelve who shall be the Jury for the Purposes aforesaid: And, in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured, to attend that Service, to the Number of Twelve

Trustees to issue their Warrant to the Sheriff for returning a Jury.

Provided always, and be it further Enacted, by the Authority aforesaid, That all Persons concerned shall from time to time have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and that the said Trustees, or any seven or more of them, acting in the Premises, shall have Power from time to time to impose any reasonable fines or penalties on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; and on any of the Persons that shall be summoned and returned on such Jury not appearing, or refusing to be sworn on the said Jury, and, being so sworn, and refusing and not giving their Verdict concerning the same, or in any other manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act; and on any Person or Persons, who, being required to give Evidence before the said Jury, touching the Premises, shall refuse to be examined, or to give Evidence, touching the same; and from time to time to impose such fines or penalties in such manner as any fine is by the said former Act directed to be levied and taken no such fines to exceed the sum of five pounds upon any one person and all such fines shall be employed for such Uses and in such manner as the said Tolls or Moneys granted by this present Act are to be laid out and applied.

Persons concerned may challenge any of the Jury. Trustees may levy Fines on the Sheriff and others making Default in the Premises.

And be it further Enacted, by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and are hereby, charged and chargeable upon all Tolls which shall be raised and received in that District or Division of the said Roads, for the Enlargement, Widening, or the Improvement whereof such Purchase shall be made, or Satisfaction awarded, as aforesaid; and the Moneys borrowed on the Credit thereof shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their respective Agents: and that upon Payment or Tender thereof to the said Persons so respectively intitled thereto; and, in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk, for the Time being, of the Trustees of the

Moneys raised on this Act chargeable with the Recompence assessed.

Upon Payment or Tender of the Money, Trustees may enter on the said Lands, &c.

and ditch and
drain the same,
and make a com-
mon Highway
thereof.

said District, for the Use of such Person or Persons as the said Trustees, or any *five* or more of them, shall appoint the same to be paid unto; and after *three months* Notice thereof given to such Person or Persons; it shall and may be lawful for the said Trustees, or any *five* or more of them, their Surveyors, Workmen and Agents, to take into, and add to, the said Roads, such said Ground, Lands or Tenements, and to do all and every such Act, Matter, and Thing, with relation to the said Ground, Land, Tenements, and Hereditaments, so taken into and added, or to be taken into and added, to the said Roads, and to ditch and fence out the same, as the said Trustees, or any *five* or more of them, shall think fit: And the said Ground or Grounds, Lands or Tenements, so taken, or to be taken in, when the same shall be so ditched and fenced, as aforesaid, shall to all Intents and Purposes whatsoever, from thenceforth become and be, and shall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads, not only during the Continuance of this present Act, but for ever after; and shall be repaired, and kept in Repair by such Ways and Methods, and in all respects in such Manner, as other Highways are, by Law, to be repaired, and kept in Repair.

The Lands, so
purchased, to be
deemed as Part of
the said Roads.

And it is hereby Enacted and Declared, That, immediately after such Purchase and Conveyance made, the same Lands and Grounds so to be purchased shall be for ever deemed, used, and applied, as and for Part of such Highway or Roads accordingly.

Persons charge-
able by reason of
Tenure to conti-
nue so.

Provided always, and be it further Enacted, by the Authority aforesaid That nothing in this Act contained shall be construed to be a Discharge of any County, Riding, Division, Hundred, Wapentake, Liberty, Borough, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Aggregate or Sole, private Person or Persons, from the repairing, amending, or maintaining of any Road, Bridge, Causeway, Arch, Drain, or Sewer, which they or any of them respectively, have been accustomed, or of Right ought to repair, amend, or maintain, by reason of the Tenure of any Lands, Tenements, Hereditaments, or on Account of their receiving any Toll or Duty or otherwise howsoever; but that all and every such Road, Bridge, Causeway, Arch, Drain or Sewer, from time to time, and at all times hereafter, be maintained, amended and kept in Repair, by such County, Riding, Division, Hundred, Wapentake, Liberty, Borough, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Aggregate or Sole, or private Person or Persons, heretofore the same respectively have been, or ought of Right, or by Custom to have been amended, maintained, and kept in Repair; any thing herein contained to the contrary notwithstanding.

Justices to deter-
mine the Repairs
to be done by Te-
nure of Lands.

And for preventing Differences between the said Trustees, within their several Districts and Divisions, and the Inhabitants of such County, Riding, Division, Hundred, Wapentake, Liberty, Borough, Town Corporate, Parish, Township, Village, Hamlet, or Place, or such Body Politick, Corporation Sole or Aggregate, or private Person or Persons, touching the Time when, and Manner in which, such particular Part or Parts of the said Roads, or such Bridges, Drains or Sewers, ought to be repaired and amended; **Be it further Enacted**, by the Authority aforesaid, That, in case any such Difference shall arise, as aforesaid it shall and may be lawful for the Justices of the Peace for the County, Riding, Division, Liberty, Borough, Town Corporate, or Place, and they are hereby required and impowered, at their Petty or Special Sessions, within their respective Jurisdictions, upon Application to them made by the said Trustees, within their separate Districts or Divisions, or any *five* or more of them, for

Time being, to adjudge and determine when, and in what Manner, such particular Part or Parts of the said Roads, Bridges, Drains, and Sewers, as aforesaid, shall be repaired and amended by such County, Riding, Hundred, Wapentake, Liberty, Borough, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Sole or Aggregate, private Person or Persons, chargeable or liable to repair, amend, or maintain the same, as aforesaid.

Provided always, and be it further Enacted, by the Authority aforesaid, That all and every Person and Persons, who, by Law, are chargeable towards the repairing and amending the said Roads intended to be repaired, shall still remain chargeable, and do their respective Works in the Parishes, Townships, or Places, in which the said Roads do lie, in such manner as he, she, or they, ought to have done before the Passing of this Act.

And be it further Enacted, by the Authority aforesaid, That the respective Surveyor or Surveyors of the Higways of and for the several Parishes or Townships in which any of the Roads, intended to be repaired by this present Act, do respectively lie, shall yearly, and every Year, during the Continuance of this Act, within *Ten* Days after Demand made to them respectively, in Writing, by the Surveyor or Surveyors appointed or to be appointed by virtue and in pursuance of this present Act, give in and deliver to such Turnpike-Surveyor or Surveyors, an exact List or Account in Writing, under his or their Hand or Hands, of the Christian and Surname of all and every Person and Persons in the said respective Parishes, Townships, or Places; and shall set forth and specify in such List, what each Person is respectively chargeable with for and towards the same; and the said Parochial or Town Surveyor or Surveyors, for the Time being, respectively within *Ten* Days after Notice shall be given them, by the respective Turnpike-Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable, as aforesaid, he would have to do such their respective Statute or Day's Work, so adjusted or appointed, as aforesaid, in or upon any Part or Parts of the said Road, shall summon or give publick Notice thereof, to the Person or Persons so chargeable, as aforesaid: And if any Parochial or Town-Surveyor aforesaid shall neglect or refuse to do as they are hereby required and directed, he or they, for every such Neglect or Refusal, shall *forfeit and pay the sum of Ten pounds* — And if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Roads, shall, after such Summons or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, each Team or Cart not to contain less than *four* good Horses or Beasts of Draught, with One Person to attend the same, to do and perform such their respective Day's Work on the said Roads, he, she, or they, so neglecting or refusing, shall respectively *forfeit and pay the sum of five Shillings* — for every Team, Draught, or Cart, making Default each of the said respective Days: And if any Labourer, or other Person or Persons so chargeable towards repairing the said Roads, shall, at any time neglect or refuse (after such Summons or publick Notice) to do or perform the said appointed Day's Work on the said Roads, he, she, or they, shall respectively *forfeit and pay the sum of one Shilling* — for each of the said Days such Labourer, or other Person or Persons, shall make Default: And if any Person or Persons who shall, according to such Summons or publick Notice, as aforesaid, come to work as Labourers, or be sent with any Team, Draught, or Cart, to work on the said Roads, are found idle or negligent by the said Turnpike-Surveyor or Surveyors respectively, where the Work is to be done, in such case, the same Surveyor or Surveyors may, and is and are hereby impowered and required to remove and turn him or them off who shall be found idle or negligent, as aforesaid; and it shall be esteemed and taken as if such Person or Persons had

Persons liable to do Statute-work to continue so.

Surveyor, &c. to give Lists of the Persons liable to do Statute-work.

Penalty on Surveyors, &c. Neglect so to do.

Penalty on Persons keeping a Team, &c. neglecting to do Statute-work on the Road:

And on Labourers.

Persons found idle may be turned off, &c.

not

not come, or sent any Team, Draught, or Cart, to work on the said Roads; and he, she, or they, shall be subject or liable to the respective Forfeitures and Payments afore-mentioned, as if he, she, or they, had neglected or refused to do or perform the said respective Day's Work, so ordered and appointed, as aforesaid.

Persons liable to do Two Days Statute-work in each Year.

Provided always, That all and every Person and Persons now, or which, during the Continuance of this Act, shall be liable to do Statute-work on the said Roads respectively, on his and their doing and performing Two Days Work respectively in each Year, in manner herein before directed and prescribed, shall be, and is and are hereby, exempted from doing and performing any more or other Statute-work, than ~~two~~ Days Work in each Year, on the said Roads respectively; any thing herein to the contrary notwithstanding.

Trustees may compound for Repairs by reason of Statute or other Work.

Provided also, and be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, within their separate Districts, or any ~~five~~ or more of them, from time to time, during the Continuance of this Act, at any of their publick Meetings, to compound and agree with any County, Riding, Division, Hundred, Wapentake, Liberty, Borough, Town Corporate, Parish, Township, Village, Hamlet, Place, Body Politick, Corporation Sole or Aggregate, or private Person or Persons, liable to, or chargeable with, the Repair or Maintenance of any Part of the said Roads, or of any Bridge, Drain, or Sewer, lying within any of the said Roads to be amended by virtue of this Act, by reason of their Tenure of any Lands, Tenements, or Hereditaments, or with the Surveyor or Surveyors of the Highways of any of the Parishes, Townships, or Places, to which the said Roads belong, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable to, or chargeable with, the Repair of any Part of the said Roads, by virtue of any Statute or otherwise, for a Sum of Money certain, to be paid *quarterly* or otherwise, in lieu of such particular Work or Repairs, so on them respectively chargeable by reason of such their Tenure, or by virtue of any Statute, Custom, antient Usage, or otherwise howsoever.

Trustees may compound with Travellers.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, within their respective Districts, or any ~~five~~ or more of them, at any of their publick Meetings, may, and they are hereby impowered, from time to time, as they shall see convenient, or think fit, to compound or agree for any Time, not exceeding *one year* with any Person or Persons using or travelling through the Turnpike or Turnpikes, to be erected within the said Districts or Divisions respectively, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, or with any Horse, Gelding, Mare, Afs, or Mule, for any Sum or Sums of Money, to be paid *quarterly* from time to time, after such Agreement shall be made.

Composition-money how to be recovered.

Provided always, and be it Enacted, by the Authority aforesaid, That in case any Composition-money, agreed to be paid for passing through the said Turnpikes or Gates to be erected by virtue of this Act Toll-free, or in lieu of any Statute or Day's Work of the Inhabitants of any Parish, Township, Hamlet, or Place, wherein the said Road doth lie, or in respect of the Repairs to be done by reason of Tenure of any Lands, Tenements, or Hereditaments, or otherwise, as aforesaid, shall not be paid within *fifteen* Days next after the same shall become payable, according to such Composition or Agreement, then it shall and may be lawful for any Justice of the Peace for the Riding, Division, Liberty, Borough, Town Corporate, or Place, within his respective Jurisdiction, by Warrant under his Hand and Seal, to impower the Person or Persons au-
thorized

thorized by the said separate Trustees, or any *five* or more of them, to receive such Composition-money (Oath being first made that the same has been demanded, and remains unpaid, which Oath such Justice is hereby impowered to administer) and to *levy such Composition money by Distress and Sale of the Goods* of the Person or Persons so having compounded for passing through any of the Turnpikes Toll-free, or for such Repairs to be done, by reason of Tenure, as aforesaid, or in lieu of any Statute or Day's Work, or otherwise, as aforesaid, or of the Surveyor or Surveyors of the Highways, for the Time being, of such Parish, Township, Hamlet, or Place, in respect of whose Statute or Day's Work such Composition shall be made, returning the Overplus (if any be) upon Demand, after the Charges of such Distress and Sale thereout first Deducted.

Provided also, and it is hereby further Enacted, by the Authority aforesaid, That if any Surveyor of the Highways of such Parish, Township, Hamlet, or Place, for whose Statute or Day's Work such Composition shall be made, as aforesaid, shall pay the Composition-money, or if such Composition-money shall be *levied* on him, in manner herein before directed, then, and in either of the said Cases, such Surveyor shall be reimbursed the Composition-money so paid by, or recovered of, him, as aforesaid, together with the Costs and Charges of *levying* the same, in such manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be reimbursed the Moneys by them expended in buying Materials for amending the said Highways.

And it is further Enacted, by the Authority aforesaid, That the Tolls, Duties, and Powers, hereby granted and given, shall take Place from and after the *first day of May one thousand seven hundred & fifty two* and shall be paid and have Continuance from thence for and during the Term of *Twenty one years and from thence to the end of the then next Session of Parliament* But if, at any time before the Expiration of the said Term, all the Roads hereby directed to be repaired, shall be sufficiently amended, and so adjudged by the Justices of the Peace of the *West and North Ridings of the said County of York and of the Liberty of Ripon & Burrough of Leeds* respectively at their respective General quarter Sessions to be holden for the said *West and North Ridings of the said County & Liberty of Ripon & Burrough of Leeds* next after Easter that then, from and immediately after such Adjudications made, and Repayment of all such Money as shall have been borrowed on the Credit of the said Tolls or Duties hereby granted, with Interest for the same, and the Costs and Charges of obtaining this Act, the aforesaid Tolls, Duties, and Powers, hereby granted, shall cease and determine; any thing herein contained to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses, which shall be erected and built upon the said Roads by virtue of this Act, shall be vested in the respective Trustees appointed or to be appointed for the said several Districts and Divisions where the said Turnpikes and Toll-houses shall be set up and erected respectively: And they, or any *seven* or more of them, within their Districts or Divisions, are hereby authorized and impowered to dispose thereof as they shall think proper; or to bring Actions, or prefer Bills of Indictment, in their Names, or in the Name or Names of any *seven* or more of them, or of their respective Clerk or Clerks, Treasurer or Treasurers, for the Time being, against any Person or Persons who shall steal, take away, break down, damage, or spoil such Turnpikes or Toll-houses, or any of them, so erected and built, as aforesaid, or any Part or Part thereof respectively.

Trustees im-
powered to lessen
the Tolls between
Burroughbridge
and Ripon.
This to extend to
every Division.

Provided always, and it is hereby Enacted and Declared, by the Authority aforesaid, That the said Trustees, hereby appointed for that Branch of the said Roads lying between *Harrogate* and *Ripon* aforesaid, by Way of *Knarborough* and *Burroughbridge* aforesaid, and their Successors, or any *seven* or more of them, are hereby authorized and impowered, from time to time, to lessen the Tolls and Duties hereby granted, and made payable, on that Part of the said Roads that lies between *Burroughbridge* and *Ripon*, and to order and direct the same to be collected, received, and taken, in such Manner, Parts, and Proportions, as they shall think proper; any thing herein contained to the contrary notwithstanding; so as such Reduction be no Prejudice to any Person who shall advance any Money on the Credit of the said Tolls, or the Person who shall be intitled to the Money thereby secured at the Time of such Reduction,

Tolls may be
assigned for Mo-
neys borrowed.

And forasmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act granted, and made payable, as aforesaid, will not be sufficient for the speedy Repairing of the said Roads; **Be it further Enacted,** by the Authority aforesaid, That the said Trustees, or any *seven* or more of them, within their respective Districts or Divisions, shall, may, and are hereby impowered from time to time, during the Continuance of this Act, by Writing under their respective Hands and Seals, to assign over the said Tolls or Duties, by virtue of this Act to be collected or levied, within their respective District or Division, or any Part thereof (the Costs and Charges of making such Assignment to be borne and paid out of such Tolls and Duties), for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Repayment thereof with Interest, as shall be agreed upon, at legal Interest or less; which said Money, so to be borrowed, shall be applied and disposed of as the said Tolls or Duties raised and collected on that Part of the Road, the Tolls whereof shall be so mortgaged, as aforesaid, by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Notice to be
given on borrow-
ing Money.

Provided always, and it is hereby Declared, That no Money shall be borrowed by the said Trustees, on the Credit of the Tolls to be collected, unless Notice be, for that Purpose, fixed in Writing, under the Hand of the Clerk to the said Trustees of the Division or District, the Tolls whereof are proposed to be so assigned, as aforesaid, upon all the Turnpike-gate or Gates erected or to be erected, by virtue of this Act, on that Branch or District of the said Road, on the Credit of the Tolls whereof such Money is intended to be borrowed, at least *Twenty* Days before the borrowing such Money.

Different Trust-
tees in different
Districts of the
Road.

And whereas, by reason of the Length of the Road directed by this Act to be repaired, and the Distance that the Trustees appointed or to be appointed to put so much of this Act in Execution, as relates to the Highways and Roads lying between *Leeds* and *Hutton-Moor* aforesaid, by Way of *Ripley*, live from each other, several Inconveniencies may arise; **Therefore,** for the more easy and effectual putting in Execution all and every the Powers herein before by this Act given and granted, so far as relates to the said last-mentioned Road, **Be it further Enacted,** by the Authority aforesaid, That such of the said Trustees appointed or to be appointed for the District aforesaid, as shall live or reside to the Southward of the said South-west Corner of the Inclosures of *Harrogate* aforesaid, shall take care of the ordering, repairing, and amending, that Part of the said Road by this Act directed to be repaired, which lies between the said Town of *Leeds*, and the said South-west Corner of the Inclosures of *Harrogate* aforesaid; and such of the said Trustees as live or reside to the Northward of the said South-west Corner of the said Inclosures, shall take care of the ordering, re-
paring,

ing, and amending, that Part of the said Road by this Act directed to be repaired, which lies between the said South-west Corner of the said Inclosures of Harrogate and Hutton-Moor aforesaid, by Way of Ripley aforesaid, and of the Highways upon the said Moor: And that the said several Trustees shall act separately, to all Intents and Purposes, in the said respective separate Districts and Divisions, in putting in Execution all and every the Powers and Authorities by this Act given, so far as the same relate to the repairing the said Road.

And be it further Enacted, by the Authority aforesaid, That the several Trustees herein before severally appointed for the putting so much of this Act in Execution, as relates to the Roads or Highways lying between Leeds and Hutton-Moor, by Way of Ripley, shall meet at the House of *Robert Gilbertson being Sign of the Lion's Head in Harrogate aforesaid on the* ^{Time and Place of Trustees Meeting.} *day of April* ~~thousand seven hundred and fifty two~~ shall then, or at their next Meeting, to be had, within their several Districts and Divisions, to be held as hereafter is directed, choose a Clerk or Clerks, to take their Orders, and take Minutes, and make Entries of their Proceedings, and for other Purposes, and severally adjourn themselves: And shall within ~~the~~ ^{the} such First Meeting, severally assemble themselves at the Places hereafter mentioned; that is to say, The said Trustees acting for the District to the Southward of the said South-west Corner of the said Inclosures of Harrogate, shall meet at the House of *Thos. Maxon being Sign of the Kings Arms in Leeds aforesaid* — and the said Trustees acting for the District to the Northward of the said South-west Corner of the said Inclosures, shall meet at the House of *Sarah Haddon Widow being Sign of the Unicorn in Ripon aforesaid* — and the said Trustees hereby appointed to put in Execution so much of this Act as relates to the Roads lying between the said South-west Corner of the Inclosures of Harrogate and Ripon aforesaid, by Way of Knaresbrough and Burroughbridge, shall meet at the House of *Thos. Mann being the posthouse in Burroughbridge aforesaid on* ~~the~~ ^{the} *day of April one thousand seven hundred & fifty two* — then choose a Clerk or Clerks for the like Purposes, as aforesaid; and the several Trustees, in their said separate Districts and Divisions, shall adjourn themselves; and afterwards meet at the same, or such other Place or Places, in or upon the said Highway or Road, to be repaired as the said Trustees within their several Districts or Divisions, or any ~~five~~ ^{five} or more of them respectively, shall think proper or convenient, as often as it shall be necessary for the putting this Act in Execution: And if it shall happen, that there shall not appear at any Meeting, which shall be appointed to be held by the said several Trustees respectively, in their said separate Districts, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day; then, and in such case, the Clerk to the said Trustees, by Notice in Writing, under his Hand, to be affixed to the respective Gates or Turnpikes, to be erected within such Districts or Divisions, where such Trustees shall be wanting, at least ~~ten~~ ^{ten} Days before the said Meeting, shall appoint the said Trustees, acting in such separate District, to meet at the Place where the Meeting of the said Trustees was last appointed to be held, or at some other convenient Place in such District, near the said Place, on that Day ~~three weeks~~ ^{three weeks} — upon which such last Meeting was appointed to have been held: And that the said Trustees appointed and to be appointed, by virtue and in pursuance of this Act, shall, as well at their First Meeting as at all subsequent Meetings, defray their own Charges and Expences.

Notice to be given of future Meetings.

Trustees to defray their own Expences.

And be it further Enacted, by the Authority aforesaid, That for the purpose of having a sufficient Number of fit and able Persons to be Trustees for putting in Execution all and every the Powers in this Act contained, it shall and may be lawful to and for the said Trustees appointed and to be appointed to act for the several Districts and Divisions of the Roads herein before mentioned and described, for the Time being, or any ~~seven~~ ^{seven} or more of them respectively,

On Death, &c. of Trustees others to be chosen.

Days Notice
to be given of
such Election.

spectively, upon the Death, Removal, or Refusal to act, of any of the Trustees of the said several Districts or Divisions respectively, by any Writing or Writings, under their Hands and Seals, from time to time, and at all times hereafter during the Term aforesaid, to elect, nominate, and appoint, in the room of any Trustee or Trustees so deceased, removed, or refusing to act, so many more and able Person or Persons living in the said County of York, to be joined with the said Trustees so electing, in the Execution of the several Powers and such Electors respectively reposed, by virtue of this Act: And Notice of Time, and Place of Meeting, for the Election of such new Trustee or Trustees shall be given by the Clerk to the said Trustees, who is hereby required to cause to be fixed, such Notice, in Writing, at or on all the Turnpike-ways which are or shall be erected, by virtue of this Act, within that District, for which such new Trustee or Trustees shall be so elected, at least ten Days before such Election; and all and every Person and Persons, so to be elected Trustee or Trustees to join in putting this Act in Execution, shall and lawfully are and are hereby empowered to act, to all Intents and Purposes, in as full, large and ample Manner, as the said Trustees, so electing, are by this Act empowered to do, and so from time to time, as often as Occasion shall be or require.

Trustee accepting
of any Place of
Profit arising
from the Tolls
incapable of act-
ing as a Trustee.

Provided always, and be it further Enacted, That no Person or Persons, appointed or to be appointed by this Act a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit, arising or by reason of, the Tolls or Duties by this Act granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees, from the Time of accepting, and during the Enjoyment of such Place of Profit, as aforesaid.

Qualification of
Trustees.

Provided also, and be it further Enacted, That no Person shall be capable of acting as a Trustee in any Case, in the Execution of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements and Hereditaments, of the clear yearly Value of one hundred pounds — or Reprizes; or shall be Heir apparent to some Person or Persons having an Estate of the yearly Value of three hundred pounds. And if any person or persons made incapable to act for the causes aforesaid shall nevertheless presume to act contrary to the true intent and meaning of this Act every such person or persons for such offence or offences shall forfeit and pay the sum of fifty pounds to any person or persons that will inform or sue for the same to be recovered in any of His Majesty's Courts of Record by Action of Debt or on the Case Bill Suit or Information wherein no Poin protection or Wager of Law or more than one Imparance shall be allowed provided that nothing herein contained shall be construed to exclude the Mayor Aldermen and Commonalty of the Burrows & Corporation of Leeds and Ripon or the Bailiffs for the time being of the Burroughs of Harrogate & Wetherby or any of them, from acting as Trustees in the Execution of the Powers vested and reposed in the said Trustees, although they, or any of them, shall not be so qualified to act, as aforesaid; but that they, or any of them, shall nevertheless execute all or any of the said Trusts; any thing before contained to the contrary notwithstanding.

Mile-stones to be
erected.

Provided also, and it is hereby further Enacted, That the said Trustees within their respective Districts or Divisions, or any one or more of them respectively, shall cause the said Road to be measured, and Stones or Posts to be erected and set up in or near the Sides of such Roads; each Stone or Post to be placed at the Distance of One Mile from another, and denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees resp

or any shall voluntarily and maliciously break any of the Stones or Posts, or any part thereof, which shall be so erected and set up; or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon; and shall be convicted thereof, by the Confession of the Party, or on the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said West or North Riding of the County of York, or of or for the Liberty of Ripon, or Borough of Leeds, within their several Jurisdictions; every such Person or Persons, so offending, shall forfeit & pay a Sum of forty Shillings to be levied by Distress & Sale of the Goods & Chattels of every such Offender by warrant under the Hand and Seal or Hands & Seals of the Justice or Justices before whom such Conviction shall be made such Forfeiture to be applied in repairing the Stones or Posts so broken & Defaced and supplying new ones in their Stead And if there shall be any Overplus of such Forfeitures the same shall be laid out in repairing the said Road And in case the Person or persons so Offending & Convicted shall have no Goods and Chattels then it shall & may be lawful to and for every one or more of such Justice or Justices by warrant under his hand and Seal or their hands & Seals to Commit such Person or persons to the Common Gaol of the County of York for the Space of one Month and the Person or persons so Offending & Convicted shall not be Discharged until he she or they shall have paid the Sum of forty Shillings or until the Expiration of 4. Days Month **Provided always, and be it further Enacted**, by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, or any other Writing whatsoever (except such Assignment of the Tolls, by way of Mortgage, as aforesaid), under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any Power or Authority hereby vested in such Trustees, or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Penalty on breaking or defacing them.

Writings to be without Stamps.

And be it further Enacted, by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, or to be incurred by virtue thereof (touching which no other Provision is herein before made), shall be recovered & levied by Distress & Sale of the Offenders Goods & Chattels by warrant or warrant under the Hand and Seal or Hands & Seals of one or more Justice or Justices of the Peace for the Riding Division Liberty Burrough Town Corporate or place where with said Penalties and Forfeitures shall be incurred or where in the Offender or Offenders shall reside which warrant or warrants the said Justice or Justices is & are hereby empowered & required to grant upon the Information of one or more credible Witnesses or Witnesses upon oath & with oath the said Justice or Justices is & are hereby empowered & required to administer without fees or reward and the Penalties & Forfeitures when recovered after rendering the Overplus (if any be) to the party or parties whose Goods and Chattels shall be so distrained & sold the Charges of such Distress & Sale being first Deducted shall go to be applied and paid out for and towards the Amending that part of the said Roads & Highways where such Offence shall be Comitted

Penalties how recoverable.

Provided always, and be it further Enacted, by the Authority aforesaid, That no Order made, touching or concerning any of the Matters aforesaid, or any other Proceedings to be had, touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process

Proceedings not to be quashed for want of Form.

Process whatsoever, into any of his Majesty's Courts of Record at *Westminster* any Law or Statute to the contrary thereof in any-wise notwithstanding.

Trustees who are
Justices of the
Peace may act as
such.

And it is hereby further Enacted and Declared, by the Authority aforesaid, That it shall and may be lawful to and for any of the Trustees appointed or to be appointed to put this Act in Execution, who is, are, or shall be, in Commission of the Peace for the West or North Riding of the County of *York* or of or for the Liberty of *Ripon*, or Borough of *Leeds*, to act as Justice Justices of the Peace, within their respective Jurisdictions, in all such Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

And whereas by an Act passed in the Twenty-fourth Year of the Reign of his present Majesty, intituled, *An Act for the more effectual Preservation of Turnpike, Roads in that Part of Great Britain called England; and for the Distribution of Penalties given by Acts of Parliament relating to the Highways in that Part of Great Britain called England; and for enforcing the Recovery thereof; and for more effectual Preventing of Mischiefs occasioned by the Drivers riding upon Car Drays, Cars, and Waggon, in the City of London, and within Ten Miles thereof* certain Powers, Authorities, and Remedies, for demanding, collecting, receiving, and levying, the additional Tolls or Duties, Penalties and Forfeitures, therein inflicted, and made payable, are vested in the Trustees or Commissioners appointed or thenafter to be appointed, by any Acts of Parliament in that Part of *Great Britain* called *England*, in their respective Districts; **Now**, to prevent Doubts that may arise, touching the Construction of the said Act, **It is hereby further Enacted and Declared**, by the Authority aforesaid, That the said Act, and all and every the Clauses therein contained, shall be deemed, judged, and taken to extend to the Highways and Roads in and by this Act directed to be repaired, in the same manner as if the same had been Turnpike Roads before the Passing of the said Act; and that all and every the Car and Waggoners travelling or using the said Roads hereby directed to be repaired; or any of them, shall incur and be liable to the like Penalties, Forfeitures, additional Tolls, and Duties, as, by the said Act of the Twenty-fourth Year of his present Majesty, are inflicted, imposed, or made payable; and that the same Tolls, Duties, Forfeitures, and Penalties, and all Powers, Authorities, and Remedies, for the receiving, recovering, or levying the same, shall be, are hereby, vested in the several Trustees and Commissioners appointed and to be appointed, by virtue of this Act, within their respective Districts or Divisions, in as full and ample a Manner, as if the said Roads or Highways hereby directed to be repaired had been Turnpike-Roads before the Passing of the said Act; any thing therein to the contrary contained in any-wise notwithstanding.

Limitation of
Actions.

General Issue.

And be it further Enacted, by the Authority aforesaid, That if any Action or Suit shall be brought or prosecuted against any Person or Persons, for any thing done in pursuance of this Act, every such Action or Suit shall be commenced within *four Months* next after the Fact committed, and not afterwards; and shall be laid in the County of *York*, and not elsewhere: And the Defendant or Defendants, in such Action or Suit to be brought, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence at any Tryal to be had thereupon; and that the same was done in Pursuance of, and by the Authority of this Act: And if the same shall appear to have been so done, or such Action or Suit to be brought after the Time before limited for bringing the same, in any other County, or Place, then, and in such Case, the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff

Plaintiffs be Nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall have Treble Costs upon Affidavit made or Certificate of the Judge before whom such Cause shall be Tried That such Suit was prosecuted against such Def^t. or Def^{ts} for Matters contained in this Act and shall have such Remedy for the same as any Def^t. or Def^{ts} have or hath for Costs of Suit in any other Case by Law

And be it further Enacted, by the Authority aforesaid, That in all Cases wherein by this Act an Oath is required to be made and taken, the solemn Affirmation of any Person, being a Quaker, or being of the Church or Congregation of the Unitas Fratrum, shall and may be accepted and taken in lieu thereof; and every Person making such Affirmation, who shall be convicted of wilful and false Affirming, shall incur and suffer such and the same Pains, Penalties, and Forfeitures, as are inflicted and imposed, by any Laws and Statutes of this Realm, upon Persons convicted of wilful and corrupt Perjury.

And be it further Enacted, by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken, to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially Pleading the same.

Leeds, through Harwood, to the
South-west Corner of the Inclosures of
Harrogate; and from thence, in Two
Branches (one through Ripley, over
Borage-Green, and the other through
Knaresbrough and Burroughbridge,
to Ripon); and from thence to the
First Rill of Water, or Watercourse,
on Hutton-Moor, in the County of
York; and for Repairing the Sloughs
on the said Moor.

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